

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

**In re Pre-Paid Legal Services, Inc.
Litigation II**

MASTER DOCKET NO. CIV-02-273-C

**DECLARATION OF RACHEL GEMAN IN OPPOSITION TO MOTION OF
DEFENDANTS PRE-PAID LEGAL SERVICES, INC., HARLAND C. STONECIPHER
AND WILBURN L. SMITH TO COMPEL PLAINTIFF ROBERT SCHWEIKERT TO
ARBITRATE HIS CLAIMS AND FOR STAY PENDING ARBITRATION**

RACHEL GEMAN declares as follows:

1. I am an associate with the firm of Lief, Cabraser, Heimann & Bernstein, LLP, Lead Counsel for the plaintiffs in the above-captioned matter. I am a member in good standing of the Bar of the State of New York and am admitted *pro hac vice* to this Court. I respectfully submit this declaration in opposition to the Motion of Defendants Pre-Paid Legal Services, Inc., Harland C. Stonecipher and Wilburn L. Smith to Compel Plaintiff Robert Schweikert to Arbitrate His Claims and For Stay Pending Arbitration.
2. Attached hereto as Exhibit A are true and correct copies of form Associate Agreements produced by Defendants in this litigation. The arbitration clauses, once they were added to form Associate Agreements (*see, e.g.*, D 003166), appear in the final paragraph of the Policies and Procedures that accompany the Associate Agreements.
3. Attached hereto as Exhibit B are true and correct copies of the signature pages of the Associate Agreements executed by Plaintiffs Vincent Jefferson, Caroline Sandler, and Richard Jarvis.
4. Attached hereto as Exhibit C is a true and correct copy of the deposition of Robert Schweikert, taken on October 23, 2003.

5. Attached hereto as Exhibit D is a true and correct copy of the Commercial Arbitration Rules and Mediation Procedures of the American Arbitration Association. The Commercial Arbitration Rules are found at R-1 through R-54. In particular, R-49 addresses “Administrative Fees”, R-50 addresses “Expenses”, and R-51 addresses “Neutral Arbitrator’s Compensation.” The administrative fees are further elaborated in the section on “Administrative Fees.” According to the personnel at AAA’s Regional Office in Dallas, Texas, the rate for an arbitrator is usually about \$1000 to \$3000 per day.

6. Attached hereto as Exhibit E is a true and correct copy of the form Associate Agreement that was shown to Plaintiff Schweikert during his deposition.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on September 16, 2004.

s/Rachel Geman